

ARS □ CSREES □ ERS □ NASS

Policies and Procedures

Title: Employment of Experts and Consultants

Number: 417.2

Date: 5/19/93

Originating Office: Personnel Division
National Services Branch

This Replaces: 417.2 dated 1/31/80

Distribution: Headquarters, Areas, and Locations

This Directive provides supplemental Agency policies, requirements, and procedures for personnel appointment of Experts and Consultants.

Table Of Contents

1. Reference	2
2. Summary	2
3. ABBREVIATIONS	3
4. Forms	3
5. Definitions	3
6. Authorities	4
7. Policy	4
8. Responsibilities	4
9. Types of Appointments	4
10. Prior Approval	5
11. Procedure	5
12. Reporting Requirements	6

1. Reference

For regulations, guidance, and approvals concerning expert and consultant services acquired by contract, see Directive 215.2.

2. Summary

This DIRECTIVE provides supplemental Agency policies, requirements, and procedures for personnel appointment of Experts and Consultants compensated under 5 USC 3109 or 5 CFR 213.3102(l). The basic information on the preparation and processing of such appointments is contained in Chapter 304 of the Federal Personnel Manual. For services acquired by contract, contact the Contracting and Assistance Division.

3. ABBREVIATIONS

- DPM - Department Personnel Manual
- CFR - Code of Federal Regulations
- FPM - Federal Personnel Manual
- NSB - National Services Branch
- OP - Office of Personnel
- OPM - Office of Personnel Management
- PD - Personnel Division
- POB - Personnel Operations Branch
- USC - United States Code

4. Forms

OP-300EX, Quarterly Report on Expert or Consultant Positions
SF-52, Request for Personnel Action
SF-171, Application for Federal Employment
SF-450, Confidential Financial Disclosure Report

5. Definitions

Consultant is a person who serves as an advisor to an ARS organization or officer. The consultant

gives professional, scientific, or technical views or opinions on problems or questions presented by ARS, **but neither performs nor supervises performance of an operating function.** The consultant should be an authoritative specialist of broad and comprehensive training and experience whose work has established the individual as a leader in the field.

Consultant Position is one which primarily requires performance of purely advisory or consultant services, rather than performance of operating functions.

Expert is a person with excellent qualifications and a high degree of attainment in a professional, scientific, or technical field. The expert's knowledge and mastery of the principles, practices, problems, methods, and techniques of a particular field or a specialized area in the field, are clearly superior to those usually possessed by ordinarily competent persons in the profession. The expert usually is also regarded as an authority or as a practitioner of unusual competence and skill by other persons in the profession or occupation.

Expert Position is a position that requires the services of an expert in the particular field with duties that cannot be performed satisfactorily by someone not an expert in that field.

6. Authorities

5 USC 3109
FPM and DPM Chapter 304
FPM Chapter 213, Appendix C, Section 213.3102(l)

7. Policy

It is ARS policy that all expert and consultant appointments be made in accordance with the spirit and letter of the regulations and the provisions outlined in this DIRECTIVE.

8. Responsibilities

Personnel Division is responsible for ensuring that the appointment is in accordance with law and regulations and that the documentation is complete.

Program Supervisors and Managers are responsible for determining whether the work is best accomplished by an expert or consultant.

9. Types of Appointments

Appointment under 5 USC 3109 - Under this statute, ARS may employ experts and consultants temporarily or intermittently without regard to the laws for the competitive service, position classification, and the General Schedule pay grades. However, compensation for such appointments is limited to funds provided annually under the current USDA appropriations act. Therefore, these appointments are restricted for use by the Office of the Administrator. The preparation and processing of appointments under this statute will be coordinated by NSB, PD.

Appointment under Section 213.3102(l) of Schedule A - Under this excepted authority ARS may employ experts and consultants in positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes. This authority excepts the employees from OPM competitive examination but does not except the position from the General Schedule pay and classification requirements.

10. Prior Approval

All appointments under Section 213.3102(l) require:

- Justification by the Supervisor and endorsement by Program Officials in the chain of command.
- Review by PD.
- Certification and approval by the Administrator.

11. Procedure

Supervisor

- Provide an SF-52, position description, SF-171 and SF-450 for the proposed appointee, and a signed justification which:
 - Describes the need for the position;
 - Gives reasons for determining that duties of the proposed position require an expert or consultant;
 - Describes how the proposed appointee's qualifications meet the position's requirements;

- Describes the supervisor's existing knowledge of how the proposed appointee's other employment and/or financial interest may relate to the position; and
- Estimates the number of days the appointee would work during the period of service. (Part of a day is counted as a whole day, and work performed on a Saturday, Sunday, or holiday is also counted as a workday.)
- Obtain the necessary Program approvals of the proposed action. This includes a signed endorsement, by Program Managers in the chain of command, of the justification noted above. Also at this stage, the SF-450 should be cleared with the Designated Area Ethics Advisor or Ethics Office, PD, as appropriate. The package is then submitted to the appropriate POB servicing section.

POB

- Upon receipt of the package, classify the position and ensure the appointment is in accordance with FPM Chapter 304. Prepare the Expert/Consultant Certification (see Exhibit 1) for the Administrator's signature.
- Send the entire package through NSB to the Director, PD. In the transmittal, note any issue concerning the position or the proposed appointee that should be brought to the Administrator's attention.

NSB

- Review all documentation for completeness and forward case through the Director, PD to the Administrator for signature.
- After signature by the Administrator, return approved package to POB.

POB

- Effect appointment and notify Program.

12. Reporting Requirements

NSB will prepare a quarterly report on each Expert and Consultant employed during the quarter by using Form OP-300EX (see Exhibit 2). Reports are due to OP by January 15, April 15, July 15, and October 15 of each year.

JANE L. GILES

Deputy Administrator

Administrative Management

Exhibits

1 Expert/Consultant Certification

2 Form OP-300EX (Local Reproduction)

EXPERT/CONSULTANT CERTIFICATION

Expert Certificate

POSITION LOCATION:

APPOINTEE:

DAILY RATE:

In approving the filling of this Expert position, I have considered the requirements of Federal Personnel Manual Chapter 304. More specifically, I have satisfied myself that:

- 1 The position is necessary and is a bona fide Expert position;
- 2 The qualifications of the appointee fully meet the requirements for the position;
- 3 The daily rate to be paid is commensurate with the level of work and the appointee's qualifications;
- 4 Section 213.3102(l) of Schedule A is the appropriate authority for the appointment; and
- 5 All required documentation relative to the appointment is in order.

Administrator

Date

(NOTE: For Consultant appointments, the word "Consultant" should be substituted for the word "Expert.")